

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Rebecca Fischer,

Case No. 18-cv-1249-MJD-KMM

Plaintiff(s),

v.

Capital One Bank (USA), N.A.,

**PRETRIAL
SCHEDULING
ORDER**

Defendant(s).

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy and inexpensive determination of this action, the following schedule shall govern these proceedings. This schedule may be modified only upon a showing of good cause as required by Local Rule 16.3.

DEADLINES AND DISCOVERY LIMITS

1. All pre-discovery disclosures required by Rule 26(a)(1) shall be completed on or before **July 15, 2018**.
2. Any motion which seeks to amend the pleadings must be filed and served on or before **September 1, 2018**. Any motion which seeks to add parties must be filed and served on or before **October 1, 2018**.
3. Fact discovery shall be commenced in time to be completed on or before January 15, 2019.
4. No more than a total of **25 interrogatories**, counted in accordance with Rule 33(a), shall be served by each side. No more than **25 document requests** and no more than **25 requests for admissions** shall be served by each side.

5. No more than **2** depositions, excluding expert witness depositions, shall be taken by each side.
6. Non-dispositive motions and supporting documents, including those which relate to fact discovery and leave to assert punitive damages (if applicable), shall be filed and served on or before **January 15, 2019**.
7. The parties anticipate that they will not require expert witnesses at the time of trial.
8. No Rule 35 medical examinations will be taken.
9. Discovery of Electronically Stored Information.

The parties have discussed issues about preservation and disclosure or discovery of electronically stored information as required by Fed. R. Civ. P. 26(f), including the form or forms in which it should be produced. The parties will inform the Court of any issues that arise related to electronic discovery.

NON-DISPOSITIVE MOTIONS: GUIDELINES

All non-dispositive motions shall comply with the Electronic Case Filing Procedures for the District of Minnesota, with Local Rules 7.1 and 37.1, and be in the form prescribed by Local Rule 37.2. **Courtesy copies for Judge Menendez are not necessary, unless the motions contain or refer to documents that are not filed on ECF.** The “Meet and Confer” requirement should include attempts to do so through personal contact, rather than solely through correspondence. All non-dispositive motions shall be scheduled for hearing by calling Kathy Thobe, Judicial Assistant to Magistrate Judge Menendez, at 612-664-5140, prior to filing, except when all parties are in agreement that no hearing is required. Such an agreement shall be expressly set forth in the notice of motion. Counsel are advised not to notice additional motions for hearing on an already existing hearing date without first

contacting the Court for permission to do so. All motions must be filed and served within the time periods set forth in the local rules.

INFORMAL DISPUTE RESOLUTION

Wherever possible, the parties should bring discovery disputes to the Court using an informal approach. One or both parties can contact the Court via phone or email to set a prompt (usually within 2-3 business days) telephone conference to discuss the issues. The day before the hearing, the parties shall email (not file) the Court either a joint letter setting forth their respective positions or separate letters. If the parties submit separate letters, they must serve a copy on the opposing side unless they have received prior permission from the Court to submit the letters ex parte. In the event an ex parte submission is requested, the requesting party must make the opposing side aware of the request. Letters should be concise and focus on narrowing the issue in dispute as much as possible.

DISPOSITIVE MOTIONS: GUIDELINES AND DEADLINES

All dispositive motions shall be filed by the moving party on or before **March 15, 2019**. All dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing procedures for the District of Minnesota and in compliance with Local Rule 7.1 Counsel shall schedule the hearing by calling Judge Davis' Courtroom Deputy, Kristine Wegner, at 612-664-5073.

When a motion, response or reply brief is filed on ECF, two paper courtesy copies of the pleading and all supporting documents shall be mailed or delivered to Courtroom Deputy Kristine Wegner at the same time as the documents are posted on ECF. If the moving papers are more than one inch combined, the papers should be provided in a tabbed, three-ring notebook.

TRIAL

This case shall be ready for a **jury** trial on **July 15, 2019**.

Date: June 27, 2018

s/ Katherine Menendez

Katherine Menendez
United States Magistrate Judge